

QD16 Trees and hedgerows

Applications for new development:

- should accurately identify existing trees, shrubs and hedgerows
- must seek to retain existing trees and hedgerows; and
- wherever feasible include new tree and hedge planting in the proposals.

This planting will be secured through planning conditions and / or a planning obligation. The planting of native species will be sought, where appropriate. Works to a tree, which is subject to a Tree Preservation Order or lies within a conservation area, will be permitted only where the works do not damage the amenity value and health of the tree and / or are the minimum consistent with good arboricultural practice.

Development which would damage or destroy a preserved tree will not be permitted unless, the development is of national importance or essential to meet recognised social and / or economic needs which cannot be located elsewhere and there is no practicable way to retain the tree.

Where the felling of a preserved tree is permitted: as for example by reason of it being severely diseased, dangerous or unavoidably located on the site of a new development; a replacement tree will be required of an appropriate type and size; and located to the satisfaction of the planning authority.

Where development is permitted in the vicinity of trees, adequate provision must be made for the protection of existing trees. Tree protection and all construction work carried out will need to comply with the advice of the current British Standard 5837 (Trees in relation to construction) and any subsequent revisions.

- 3.68 Existing trees and hedgerows should be retained and new ones planted as far as practicable. They help to add maturity to schemes; provide essential habitat for a wide range of wildlife; integrate developments into the existing environment; contribute to the character of the town; are valuable in softening the appearance of the built-up area; emphasise highway and pedestrian routes; help to identify site boundaries; provide shelter; and can help to reduce noise and atmospheric pollution. Regard however must also be given to personal and community safety. As detailed in paragraph 3.61, trees should not be planted near to the boundary of railway land or other such sites as they could enable illegal access.
- 3.69 Planning applications for any development that affects trees will be expected to be accompanied by a detailed arboricultural report and plan. The plan should be accurately plotted to scale and should indicate tree species, trunk diameter at breast height and crown spread. Hedgerows should also be plotted with species height and spread indicated. The footprint of the development, underground services, driveways, hardstanding areas and ground level changes should also be indicated. Where development is permitted in the vicinity of trees or hedgerows, details about protective fencing will also be required.

The landscaping and tree planting schemes of development proposals will be subject to the approval of the planning authority. Where it is considered by the planning authority that an existing tree is of little amenity and / or wildlife value or that its location is inappropriate, a suitable replacement may be sought. With regard to new and replacement trees and hedges, the planning authority will normally seek the planting of native species, where appropriate, and where possible, native species of local origin. Account should be taken of the potential impact of fully matured planting on the amenity of adjoining properties.

- 3.70 Brighton has been an Area of (Elm) Disease Management since the 1970s and has the only significant population of Elms in England making it home to the English Elm collection. Particular regard will therefore be given to the need to maintain and expand the presence of Elm trees within the city.
- 3.71 Some hedgerows are given extra protection by virtue of the 'Hedgerow Regulation 1997 - A Guide to the Law and Good Practice'. Applicants must therefore have regard to these regulations. Tree Preservation Orders are applied to trees in the interests of public amenity or where they are known to be under threat from future development pressures. Trees may be preserved for their intrinsic beauty; contribution to the landscape; or because they serve to screen an eyesore or future development. The value of trees may be enhanced by their scarcity and the value of a group of trees or woodland may be collective only. Other factors, such as importance as a wildlife habitat, may be taken into account which alone would not be sufficient to warrant an Order.
- 3.72 Works to a tree covered by a Tree Preservation Order or within a conservation area will be permitted only where the works do not damage the amenity value or health of the tree. Any work carried out will be done using good arboricultural practice, such as that detailed in British Standard 3998 'Recommendations for tree work'. Where trees are removed for any reason, replacement trees of an agreed species, size and location will be required and a condition of replacement will be imposed if the tree fails. Developers will be expected to protect trees covered by Tree Preservation Orders. In addition to British Standard documents, sources of information on this subject can be obtained from the Arboricultural Association, International Society for Arboriculture, National House Building Council and government advice and circulars.
- 3.73 It should be noted that it is a criminal offence to do works to a tree in contravention of a Tree Preservation Order. Legal action may be taken, therefore, if any contravention of a Tree Preservation Order occurs. Where works are carried out to a tree without consent, such as, felling or works that adversely affect the long term health of the tree, a replacement tree will be required.
- 3.74 Applicants are advised to contact the council's arboriculturists in order to ascertain what trees and hedgerows are formally protected and to discuss proposed works and planting schemes. Policy QD16 has particular links with the following in this Plan: the policies relating to landscaping; design; development densities; crime prevention; unstable land; polluted land; surface water run-off and flood risk; conservation areas; listed buildings; historic parks and gardens; urban open space; the retention and integration of nature conservation; species protection; and greenways. See also Supplementary Planning Document 6, Trees and Development Sites.